

calls because of the likelihood—no matter how good they are, no matter what their past record is, or no matter what they do—of being sued by predatory personal injury trial lawyers who are after them because they can make a buck. That is the reality we are talking about. People should be able to depend on access to good quality of care, whether it is delivering a baby that future moms have to worry about—and in America it shouldn't happen—or having to worry about whether there is somebody appropriate to treat you in the event there is trauma.

That is where the vote is going to be when we debate these two bills, and hopefully we will be debating these bills sometimes in the next 3 or 4 days.

I do have to add the other component to it because the other issue, aside from the access issue, is the cost issue. Everyone knows that health care costs are skyrocketing, and they are out of reach for many, if not most, Americans today. As a physician, I can tell you that if you know you are going to be sued, no matter who you are, and almost all physicians are sued today—almost all physicians are sued—if you know you are going to be sued, you practice what we call defensive medicine. And since you know you can be sued sometime in the future, for every patient who comes in, to protect yourself when you are sued, no matter if you have done anything wrong, you end up ordering lots of extra tests to have a paper trail documented to show that you made the right decisions throughout.

It is estimated that so-called defensive medicine cost is anywhere from \$100 billion to \$125 billion a year. In my own State it is estimated to be about \$2 billion a year. That is wasted money, inefficient use, money that is thrown away. Who pays for it? The American people do. The premiums go up. The cost issue is a separate issue from the access of care. But the access of care issue and the cost issue, the higher you drive up the costs and the lower the access, quality falls. That is what is going to be debated when we address these two bills on medical liability by Senator ENSIGN and the second bill by Senator SANTORUM.

CONVEYING SYMPATHY OF CONGRESS TO THE WOMEN OF CHIHUAHUA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 90 just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

A concurrent resolution (H. Con. Res. 90) conveying the sympathy of Congress to the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the current resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD as if read without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 90) was agreed to.

The preamble was agreed to.

ORDERS FOR THURSDAY, MAY 6, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, May 4. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, there then be a period for the transaction of morning business for up to 60 minutes with the Democratic leader or his designee in control of the first 30 minutes, to be followed by 30 minutes under the control of the majority leader or his designee; provided further that the Senate then resume the consideration of H.R. 4939 as under the previous order; provided further that the chairman and ranking member be recognized for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of our colleagues, all post-cloture time has been consumed on the supplemental appropriations bill. The only action remaining on the bill will be the two amendments pending, and then a vote on passage. I understand that we may not need a vote on both of the amendments, and therefore we will have two or three votes in the morning to conclude action on the supple-

mental. Other votes could occur on Thursday's session as we try to clear some executive nominations, including two district court judges.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order until 9:30 a.m. tomorrow.

There being no objection, the Senate, at 7:50 p.m., recessed until Thursday, May 4, 2006, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 3, 2006:

DEPARTMENT OF THE INTERIOR

MARK MYERS, OF ALASKA, TO BE DIRECTOR OF THE UNITED STATES GEOLOGICAL SURVEY, VICE CHARLES G. GROAT, RESIGNED.

DEPARTMENT OF STATE

SUSAN C. SCHWAB, OF MARYLAND, TO BE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, VICE ROBERT J. PORTMAN.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) GARY T. BLORE, 0000
REAR ADM. (LH) JOHN P. CURRIER, 0000
REAR ADM. (LH) JOEL R. WHITEHEAD, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be lieutenant (junior grade)

THEA IACOMINO, 0000

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. LINDA K. MCTAGUE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. LLOYD J. AUSTIN III, 0000

WITHDRAWAL

Executive Message transmitted by the President to the Senate on May 3, 2006 withdrawing from further Senate consideration the following nomination:

COAST GUARD NOMINATION OF THEA IACOMINO TO BE LIEUTENANT, WHICH WAS SENT TO THE SENATE ON OCTOBER 6, 2005.